

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

v.

MICHAEL F. SHILLIN,

Defendant.

ORDER

21-cv-601-jdp

Plaintiff United States Securities and Exchange Commission has filed a “motion for final judgment against defendant Michael F. Shillin.” Dkt. 6. Shillin, who is now incarcerated as a result of a parallel criminal case, did not oppose the motion. But the motion is procedurally irregular because the court already entered a final judgment in this case in November 2021, Dkt. 5, pursuant to a previous motion from the SEC to do so, Dkt. 4. The SEC states that its initial proposed judgment addressed only equitable relief, and that its new proposed judgment addresses both equitable and monetary relief. *See* Dkt. 7, at 8; *compare* Dkt. 6-1 *with* Dkt. 5.

The court will construe the SEC’s motion as a motion under Federal Rule of Procedure 60(b) for relief from the judgment entered on November 5, 2021. *See Helm v. Resolution Tr. Corp.*, 43 F.3d 1163, 1166 (7th Cir. 1995) (motions seeking to “erase the finality of a judgment” served more than ten days after entry of judgment are 60(b) motions.). Under Rule 60(b)(5), a court may grant relief from judgment for “any . . . reason that justifies relief.”

The SEC states that the parties entered into a bifurcated settlement where an injunction would be entered first and the appropriate monetary relief will be determined at a later date. The SEC’s new proposed judgment incorporates its request for monetary relief: it seeks disgorgement of \$777,631.77 and prejudgment interest of \$87,435.20. The new proposed

judgment addresses all of the SEC's requested relief in this case, so the court will vacate the existing judgment against Shillin, Dkt. 5, and enter the SEC's proposed judgment as final judgment in this case.

ORDER

IT IS ORDERED that:

1. Plaintiff United States Securities and Exchange Commission's motion for entry of judgment, Dkt. 6, is GRANTED. The judgment against defendant Michael Shillin, Dkt. 5, is vacated.
2. The court will enter the SEC's proposed judgment, Dkt. 6-1, as final judgment in this case.

Entered January 27, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge